

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**JACKIE FISHER****Plaintiff,****vs.**

**UNIVERSITY OF TEXAS  
MEDICAL BRANCH and  
DAVID WATSON**

**Defendants.**§ **CIVIL ACTION NO. 4:08-CV-01273**§ **Jury Demanded**

§

§ **Judge: Nancy F. Atlas**§ **Case Manager: Sheila Ashabranner**

§

§ **Court Deputy:\_\_\_\_\_**§ **Court Reporter:\_\_\_\_\_**

§

§

§ **Proceeding: Trial**

**FIRST AMENDED EXHIBIT LIST OF PLAINTIFF, JACKIE FISHER**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>Offer</b>	<b>Obj.</b>	<b>DATE ADMIT</b>	<b>DATE N/ADM</b>
<b>P-1</b>	Fisher Position Announcements				
<b>P-2</b>	E-mail re Watson's Resignation (Oct. 11, 2006)				
<b>P-3</b>	E-mail Exchange re Pipkin and Drake (Feb. 2005)				
<b>P-4</b>	E-mail Exchange re Parker, Brophy, and Wright (April 19, 2005)				
<b>P-5</b>	E-mail to Watson re Equal treatment of white and African American Assistant Nurse Managers (May 18, 2005)				
<b>P-6</b>	Memo Watson to Gotcher re Request for Agency Staff (July 25, 2005)				

<b>P-7</b>	E-mail Watson to Gotcher, Radar & Melton (Jan. 9, 2006); Notice to Staff of Meetings (Jan. 9, 2006)				
<b>P-8</b>	Fisher's Hostile Environment Grievance against Watson (April 10, 2006)				
<b>P-9</b>	E-mail from Watson to Wright re Ford (Jan. 5, 2006)				
<b>P-10</b>	Gotcher Meeting Agenda and attendance (Mar. 8, 2006)				
<b>P-11</b>	E-mail Exchange between Fisher and Watson (March 27, 2006)				
<b>P-12</b>	E-mail from Watson to Fisher (Apr. 3, 2006)				
<b>P-13</b>	Notice of Intent to Demote (April 11, 2006)				
<b>P-14</b>	Fisher's 2 <sup>nd</sup> Harassment and Hostile Environment Grievance against Watson (April 11, 2006)				
<b>P-15</b>	Appeal of Demotion (April 24, 2006)				
<b>P-16</b>	Radar letter to Fisher Re Demotion (April 12, 2006)				
<b>P-17</b>	Watson Letter re demotion to Assistant Nurse Manager (May 2, 2006)				
<b>P-18</b>	Fisher Appeal of Demotion to Assistant Nurse Manager (May 11, 2006)				
<b>P-19</b>	EEOC Intake Questionnaire (Apr. 24, 2006)				
<b>P-20</b>	EEOC Charge (June 2, 2006)				
<b>P-21</b>	Letter of Expectation from Roddey (June 26, 2006)				

<b>P-22</b>	Position Description for Assistant Nurse Manager at Wynne (June 28, 2006)				
<b>P-23</b>	Pemberton Letter to Fisher re OEO &D (June 26, 2006)				
<b>P-24</b>	Appeal of Demotion to Pemberton (July 3, 2006)				
<b>P-25</b>	UTMB Position statement to the EEOC (Aug. 8, 2006)				
<b>P-26</b>	Fisher's Quarterly Evaluation (March 7, 2006)				
<b>P-27</b>	Historical Detail Turnover Report 2005 & 2006				
<b>P-28</b>	S. Hicks Email re Nursing Positions (February 2, 2005).				
<b>P-29</b>	UTMB CMC Executive Summary August 2006				
<b>P-30</b>	Vacancy Rates Watson's District Facilities 2005-2006				
<b>P-31</b>	Fisher Letter to Radar re Time Frames for grievance Responses ( April 24, 2006)				
<b>P-32</b>	Watson Letter to Nurse Darby sustaining grievance against Fisher purportedly filed March 3, 2006 (April 24, 2006)				
<b>P-33</b>	Letter from Nurse Sarah Benavides re 2004 Incident (April 11, 2006)				
<b>P-34</b>	Fisher's Meeting Agendas Estelle Unit (2005 & 2006)				
<b>P-35</b>	Kim Roddey's Meeting Agendas Wynne Unit (2005 & 2006)				

<b>P-36</b>	Fisher's Letter to Radar re Time frames for Grievances and Appeal (May 3, 2006)				
<b>P-37</b>	UTMB Grievance Policy IHOP 3.10.3.				
<b>P-38</b>	UTMB Appeals Policy IHOP 3.10.2.				
<b>P-39</b>	UTMB Discipline & Dismissal Policy IHOP 3.10.1.				
<b>P-40</b>	Fisher Discrimination Grievance (Sept. 11, 2006)				
<b>P-41</b>	Letter re Grievance (August 31, 2006)				
<b>P-42</b>	Fisher Retaliation Grievance (Oct. 9, 2006)				
<b>P-43</b>	Watson's Responses to OEO&D (Dec. 2006)				
<b>P-44</b>	Melvin Williams OEO&D Findings re Fisher's Discrimination Complaints (February 7, 2007)				
<b>P-45</b>	Pemberton Letter re back pay (March 9, 2007)				
<b>P-46</b>	Demotion Letter from Gotcher (March 21, 2007)				
<b>P-47</b>	Watson Letter of Expectation (Sept. 17, 2004)				
<b>P-48</b>	Notice of Peer Review (March 21, 2005)				
<b>P-49</b>	UTMB Peer Review Policy (Aug. 1995)				
<b>P-50</b>	Provisions of § 217.15 re Minor Incidents				

<b>P-51</b>	Email re Inmate Death (May 25, 2006)				
<b>P-52</b>	Email re Inmate Death (May 26, 2006)				
<b>P-53</b>	Email re Inmate Death (June 30, 2006)				
<b>P-54</b>	Email re Inmate Death (August 9, 2006)				
<b>P-55</b>	Email re Inmate Death (September 18, 2006)				
<b>P-56</b>	Email re Inmate Death (September 29, 2006)				
<b>P-57</b>	BNE Letter (May 19, 2005)				
<b>P-58</b>	Fisher Response (July 8, 2005)				
<b>P-59</b>	BNE Letter (Oct. 18, 2005)				
<b>P-60</b>	Death Summary (Dec. 15, 2005)				
<b>P-61</b>	BNE Letter (Jan. 13, 2006)				
<b>P-62</b>	Fisher Response (February 10, 2006)				
<b>P-63</b>	Fisher Response to BNE (May 12, 2006)				
<b>P-64</b>	Agreement to Order of BNE (Nov. 8, 2006)				
<b>P-65</b>	Final Order of BNE (Dec. 1, 2006)				
<b>P-66</b>	Fisher Compliance with Course work Requirement (Mar. 23-25 of 2006)				
<b>P-67</b>	BNE Acknowledgment of Completion of Requirements (March 26, 2007)				
<b>P-68</b>	First Amended EEOC Charge (April 3, 2007)				

<b>P-69</b>	UTMB Position Statement (May 14, 2007)				
<b>P-70</b>	EEOC Letter of Determination Discrimination & Retaliation (November 6, 2007)				
<b>P-71</b>	DOJ Notice of Right to Sue				
<b>P-72</b>	Email from Lela Shaw dated 11/07/2005.				
<b>P-73</b>	Email from Marilyn Peters (04-23-04)				
<b>P-74</b>	Ineligibility for Merit Increase				
<b>P-75</b>	Performance Evaluation (06-06)				
<b>P-76</b>	Quarterly Evaluation (03-07-06)				
<b>P-77</b>	Performance Evaluation (06-05)				
<b>P-78</b>	Performance Evaluation (06-04)				
<b>P-79</b>	Quarterly Evaluation (12-10-04)				
<b>P-80</b>	Quarterly Evaluation (12-01-03)				
<b>P-81</b>	Performance Evaluation (04-03)				
<b>P-82</b>	Quarterly Evaluation (03-28-02)				
<b>P-83</b>	Quarterly Evaluation (12-18-01)				
<b>P-84</b>	Performance Evaluation (06-01)				
<b>P-85</b>	UTMB Letter (04-05-07)				
<b>P-86</b>	UTMB Letter (06-26-06)				
<b>P-87</b>	Grievance (10-09-06)				
<b>P-88</b>	Grievance (09-11-06)				
<b>P-89</b>	Paid by Letter (10-26-06)				
<b>P-90</b>	High Needs Positions (02-01-05)				
<b>P-91</b>	Position Description Nurse Manager				

<b>P-92</b>	Performance Evaluation (04-02)				
<b>P-93</b>	BNE Minor Incidents				
<b>P-94</b>	Letter to Peer Review (04-13-05)				
<b>P-95</b>	Medical Records Jonathan Hulme, MD				
<b>P-96</b>	Grievance (03-16-06)				
<b>P-97</b>	Salary Increase (04-02-07)				
<b>P-98</b>	Estelle Staff Meeting (03-08-06)				
<b>P-99</b>	Letter to Darby (04-24-06)				
<b>P-100</b>	Re Darby (03-30-06)				
<b>P-101</b>	Fisher Current Pay Stub (01-29-10)				
<b>P-102</b>	Certified Copy of EEOC File				

Respectfully submitted,

LAW OFFICE OF JO MILLER, P.L.L.C.  
505 North Main  
Carriage House  
Conroe, Texas 77301  
(936) 539-4400 Tel.  
(936) 539-4409 Fax

By: /s/ Jo Miller

JO MILLER  
State Bar No. 00791268  
Federal Bar No. 20385  
Attorney-in-Charge for Plaintiff,  
Jackie Fisher  
[jmiller@jomillerlaw.com](mailto:jmiller@jomillerlaw.com)

**NOTICE OF ELECTRONIC FILING**

I, Jo Miller, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing document in accordance with the Electronic Case Files System of the Southern District of Texas, on the 16<sup>th</sup> day of February, 2010.

/s/ Jo Miller

Jo Miller  
Attorney-in-Charge for Plaintiff,  
Jackie Fisher

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was served electronically on February 16, 2010 to:

Sam Lively  
[sam.lively@oag.state.tx.us](mailto:sam.lively@oag.state.tx.us)  
Assistant Attorney General  
General Litigation Division  
P.O. Box 12548, Capitol station  
Austin, Texas 78711  
Tel: (512)463-2120  
Attorney for Defendants

/s/ Jo Miller

Jo Miller  
Attorney-in-Charge for Plaintiff,  
Jackie Fisher